IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.199 OF 2006

3 Global Services Pvt. Ltd. .. Petitioners
V/s
The Income Tax Officer 9(1)-4
Mumbai & Ors. .. Respondents

Mr.J.D.Mistry with Mr.R.Muralidhar i/by M/s.Kanga & Co.for the Petitioners.

Mr.S.M.Shah for Respondent Nos.1 to 4.

CORAM: DR.S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 27.01.2006.

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned Counsel for Respondent Nos.1 to 4.

2. Rule. The learned Counsel for the Respondent Nos.1 to 4 waives service. The presence of Respondent No.5 is not necessary in view of the order that we propose to pass today. By consent taken up for hearing.

3. Heard the learned Counsel for the Petitioner and the learned Counsel for Respondent Nos.1 to 4. The Petitioners challenge the action of the Income Tax Department in attaching the bank account of the Petitioners during the pendency of the stay application before the Commissioner of Income Tax. The learned Counsel for the Petitioner has contended that the Commissioner of Income Tax (A) has heard the appeal filed against the assessment order for Assessment Year 2003-2004 and adjourned the matter to 27.2.2006 in order to enable him to obtain the report from the Revenue.

4. Mr.Mistry, the learned Counsel for the Petitioner states that since the attachment of the bank account totally paralysed the functioning of the Company, they had agreed to deposit 50% of the assessed tax without prejudice to their right to challenge the same. In fact the Revenue has already recovered Rs.1.5 crores from the Petitioner on 23.12.2005. The learned Counsel for the Petitioner assures that the Petitioner will deposit a further sum of Rs.1.5 crores with the Respondents on or before 31st January, 2006.

5. Having regard to the aforesaid facts and circumstances, instead of directing the Commissioner of Income Tax to dispose of the stay application, we direct the Commissioner of Income Tax (Appeals), to dispose of the Appeal filed by the Petitioner as expeditiously as possible, on or before 10th March, 2006.

6. Mr.Shah, the learned Counsel for the Respondents states that the report of the Revenue will be forwarded to the Commissioner of Income Tax (A), well in time before 27th February, 2006 and a copy thereof will also be furnished to the Petitioner well in time before 27th February, 2006.

7. We make it clear that on the Petitioner depositing a sum of Rs.1.5 crores on or before 31st January, 2006 with the Respondents, the Respondents shall not recover any further amount from the Petitioner relating to the remaining tax payable under the assessment order for Assessment Year 2003-2004. till the disposal of the

Appeal by the Commissioner of Income Tax (A). We also make it clear that in the event the order of the Income Tax Commissioner (A), goes adverse to the Petitioner, the same shall not be given effect to for a period of three weeks from the date of receipt of that order by the Petitioner.

8. Petition stands disposed of in terms of the abvoe.

(DR.S.RADHAKRISHNAN, J.)

(J.P.DEVADHAR, J.)